

REMARKS

Claims 9-14 are pending in this application. Claims 13 and 14 have been added. Support for new claims 13 and 14 is found at page 5 as well as in the examples of the specification. It is respectfully requested that new claims 13 and 14 be entered of record and considered by the Examiner since these claims place the present application into better form for consideration on appeal, should an appeal be necessary. Further, it is submitted that these claims do not raise any significant new issues. Therefore, pursuant to 37 C.F.R. § 1.116, it is requested that these claims be entered of record. Applicants submit the following remarks in support of the patentability of the claims.

Restriction Requirement

Applicants continue to traverse the restriction requirement. Applicants continue to submit that the subject matter of claims 9 and 10 is sufficiently connected to claims 11 and 12 and no undue burden is placed on the Examiner to exam all the claims in unison. As such, Applicants request that claims 11 and 12 be rejoined and examined in unison with the other pending claims 9, 10, 13 and 14.

**Rejection under 35 USC §102(b) or §103(a)**

The Examiner rejects claim 9 as anticipated by or obvious over WO 95/15995 (WO '995), Tatemoto et al. USP 4,530,972 (Tatemoto '972) or Albano et al. USP 5,948,868 (Albano '868). Applicants traverse the rejection and respectfully request the withdrawal thereof.

All of the WO '995, Tatemoto '972 and Albano '686 documents disclosed in all of the examples therein curing processes which require both: (1) a primary curing step, and (2) a secondary curing step. In contrast, all of the presently pending process claims 9, 10, 13 and 14 exclude a secondary curing step which allows these claims to patentably define over the cited documents.

**Present Invention and Its Advantages**

The present invention is directed to a process which employs a primary curing step, but excludes a secondary curing step. The process of the present invention is advantageously economically more efficient than conventional industrial processes which require an additional secondary curing step. The inventors of the present application have discovered that by selecting certain starting materials, such as certain organic peroxides, as well as other processing conditions, it is possible to produce a cured molded article by employing only a primary curing step. This is inherently

advantageous because it is economically more efficient to remove the secondary curing step. In addition, it is evident from the comparative test results summarized in Table 2 at page 9 of the specification that Examples 1-5 (produced by the process of the present invention) exhibit acceptable mechanical properties, including advantageously low compression set properties, even though only a primary curing step was employed, in contrast to Comparative Examples 1-7 which employed a secondary curing step.

**Distinctions between Present Invention and Cited Documents**

All of the Examples of WO '995, Tatemoto '972 and Albano '868 employ a required secondary tearing step therein. It is clear from the context of all of these disclosures that the secondary curing step is considered "material" and materially effects the properties of the product produced by the disclosed processes.

All of WO '995, Tatemoto '972 and Albano '868 fail to disclose the production of a molded article which has not undergone an additional secondary curing step. This secondary curing step is excluded by the present claims, since claim 9 recites that "no secondary curing is performed" and claim 13 employs the claim language "consisting essentially of" which excludes additional material process steps as noted above. Therefore, it is submitted

that the present process claims patentably define over all of these cited documents.

In addition to the above, all of the cited documents fail to recognize the advantages achieved by the process of the present invention with regard to providing an economically more efficient single-step process in order to produce a product which exhibits acceptable mechanical properties as evidenced by the comparative test results discussed above. Further still, all of the cited documents disclose a variety of starting materials and processing conditions, without selecting the specific starting materials and processing conditions employed in the process of the present invention, such as specific organic peroxides and other processing conditions. Thus, these cited documents fail to provide a basis for a motivation to one skilled in the art to select certain starting materials and conditions in order to achieve the advantages exhibited by the process of the present invention. Consequently, there fails to be a basis for a motivation to one skilled in the art to conduct the process of the present invention. Further, even if prima facie obviousness has been properly alleged, this obviousness has been rebutted by the unexpected advantages achieved by the more economically efficient single-step process of the present invention. Therefore, significant patentable distinctions exist between the process of the present invention and the cited documents.

It is submitted for the reasons stated above that all of the presently pending claims define patentable subject matter such that the present application should be placed into condition for allowance.

**Conclusion**

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below..

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Appl. No. 09/403,224

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/KJR/csm  
0020-4621P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)